

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1043 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ARUNBHAI LAXMANDAS PATEL

Versus

LIFE INSURANCE CORPORATION OF INDIA

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Appearance:

MR SB PANDIT for Petitioner

MR MAGANBHAI M DESAI for Respondent No. 1

SERVED for Respondent No. 2

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CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 18/01/97

ORAL JUDGEMENT

Rule.

This petition is filed by the petitioner to get the amount of the insurance policy obtained by his father from the respondent No.1-Corporation. The father of the present petitioner had obtained the insurance policy No.15730939 in order to cover the liability of the estate duty. The father of the petitioner expired before

the maturity of the said policy. In the policy, the present petitioner is nominated by the policy holder to receive the amount of the policy.

2. The respondent-Life Insurance Corporation is insisting on the petitioner to furnish the consent in writing of the legal heirs of his deceased father to make payment to him and to furnish indemnity bond in favour of the respondent-Corporation.

3. When in the insurance policy the present petitioner is nominated by the insurer, the Life Insurance Corporation cannot insist that the nominee must obtain the consent in writing of all the heirs of the deceased policy holder. But it could not be said that the claim of the Life Insurance Corporation on insisting on the present petitioner that he should furnish an indemnity bond to cover the liability of Life Insurance Corporation if there happen to be any claim against them by any of the legal heir of the deceased-father of the present petitioner is illegal or improper. I would, therefore direct the present petitioner to give an indemnity bond for the amount of Rs.43,531=00 in favour of the respondent No.1-Life Insurance Corporation of India to cover the liability of the said Corporation, if there be any against them by any of the heirs of the deceased Laxmandas Naathalal Patel and on furnishing such an indemnity bond on stamp paper by the petitioner in favour of respondent No.1, the amount of the insurance policy which has been deposited with the court be paid to the present petitioner along with the interest, if any, accrued on the said amount. Petition is thus finally disposed of. Rule is made absolute in the above terms.

Date : 18-01-97. ( S.D. Pandit, J. )